

HEATHER E. WILLIAMS, #122664  
Federal Defender  
DOUGLAS J. BEEVERS, #288639  
Assistant Federal Defender  
801 I Street, 3<sup>rd</sup> Floor  
Sacramento, CA 95814  
Telephone: (916) 498-5700  
Douglas\_Beevers@fd.org

Attorneys for Defendant  
KYLE COLTON

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KYLE COLTON,

Defendant.

Case No. 2:24-cr-00029-DAD

**REPLY IN SUPPORT OF MOTION TO  
DISMISS INDICTMENT  
AS COVERED BY PRESIDENTIAL  
PARDON**

The Defense contends that the language of the pardon does not support a distinction based on what items are found in the search.

The Ninth Circuit and the D.C. Circuit are likely to reach the pardon interpretation issue in two cases. The Ninth Circuit denied the United States' motion to remand and ordered formal briefing by both parties on whether the pardon applies to a firearm conviction in *United States v. Benjamin Martin* which originated in the Eastern District of California as 1:21-CR-228-NODJ-BAM. Ex. A-B.

On May 29, 2025, the Department of Justice formally advised the D.C. Circuit Court of Appeals that it would not file an appeal brief to defend the district court's denial of an unopposed defense motion to dismiss based on the January 6<sup>th</sup> pardon. See Ex. C: DOJ Letter. 2025.

1 Mr. Colton is not seeking to delay the trial until the law is clarified. He does not intend  
2 to put up a defense at trial, and is only seeking to preserve his right to appeal his motion to  
3 suppress.

4  
5 Dated: June 20, 2025

Respectfully submitted,

HEATHER E. WILLIAMS  
Federal Defender

7 /s/ Douglas J. Beevers  
8 DOUGLAS J. BEEVERS  
9 Assistant Federal Defender  
Attorney for KYLE COLTON